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2 and every one of those incidents. I would like  
3 to address the BB-gun case because that is the  
4 most important, and you will hear from Alex  
5 about it.

6 I am representing Alex in the  
7 Criminal Court on that case. I expect the case  
8 is going to be dismissed. The prosecutor  
9 understands that Alex was not the shooter. The  
10 prosecutor has investigated this case quite  
11 thoroughly, and they understand that Alex had  
12 nothing to do with the shooting. He has been  
13 charged only with possession of the BB gun.

14 The possession of the BB gun is a  
15 violation of the New York City Administrative  
16 Code. It's not a part of the New York State  
17 law. A BB gun is legal in most other parts of  
18 this state. A lot of people do not know it is  
19 illegal in New York City. A BB gun in rural  
20 Massachusetts where he goes to school is a  
21 legal thing to have and many children up there  
22 have it. In rural America many families allow  
23 their children to have BB guns and buy them BB  
24 guns so they become comfortable with firearms  
25 and they then graduate to firearms, which is,

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2 whatever we in New York City may think, a way  
3 of life up in that part of the world.

4 Alex was living in that part of the  
5 world, as Frank told you in his letter. Alex  
6 is an outdoorsman, he engages in outdoor  
7 activity, he is comfortable with this kind of  
8 equipment, and to him it was a perfectly  
9 normal, legal, appropriate thing to have.

10 If Alex is guilty of anything, he is  
11 guilty of bad judgment. And we acknowledge  
12 that. We acknowledge that. He should not have  
13 had this BB gun laying around the house when he  
14 had guests. He should not have had guests who  
15 he didn't know. These are errors of judgment  
16 that a 19-year-old is capable of making. It  
17 should not be the basis for depriving  
18 Mr. Harvey and Ms. Wilhelm of their home.

19 Another incident, and one I want to  
20 address specifically because it's particularly  
21 offensive and particularly shocking, especially  
22 in New York City and in this community, is the  
23 incident of the swastikas. Frank and Jean  
24 understand how offensive that is. You all  
25 understand how offensive that is, those of our

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generation whose parents, and maybe some of our peer group through this area, understand how offensive that is. Unhappily, kids don't. And there is not teaching of how offensive that is. The kids, I know from my own experience, view it as an insult, some mock it, but they have no idea, no idea, the depth of offense that a swastika causes.

Many things have lost their impact over the years. I don't know if it is appropriate to say that I remember when certain words in my day, certain swear words, were offensive words that were never spoken in public, and now you hear them so common that they have no meaning. One of my favorite analogies about that, to demonstrate that, is the word "suck," which was never spoken in public when I was a kid. It was very offensive. And now you go to Yankee Stadium and they're yelling, "Boston sucks," and nobody thinks anything of it.

I think that is the way we have to look at this use of this symbol here. Offensive, yes; insulting, yes. Not a nice

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thing to do. But until it was brought to Alex's attention, he had no idea what it really meant. He now does, and he will never do it again. You will hear him express his apology about this incident.

I think he would like to make statements. I think Frank should go first and say what he has to say, and I hope you listen to him with an open mind. That's all we can ask.

MR. FRANK HARVEY: I have been asked not to act as a lawyer tonight. My tendency is to do a little bit of that. Steven has said not to do it. I will make an effort not to do it. It may slip out.

We really expressed our opinion in this note. Alex is a strong-willed child, he does things that are not right, but he very rarely ever does them twice. We have always had him under a very strong discipline. He is home a lot. He's gone to schools which have been very structured. For five years he went to Rector, Portsmouth Abbey, where literally every minute of the day is scripted between

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2 class and sports activities, and study hours  
3 are required and religious services, which I am  
4 sure he was thrilled with. There wasn't a lot  
5 of time left over. And he's always been in a  
6 structured environment like that.

7 He strayed. We all stray at some  
8 point. He is a boy, and he is a very boyish  
9 boy. He does stupid things from time to time.  
10 But he doesn't do them twice. And if it is  
11 offensive, he has always been very forthright  
12 in apologizing.

13 He has a relationship with the  
14 doorman that nobody here can understand,  
15 because he is a single child and he has nobody  
16 else a lot of times to talk to. So he goes  
17 down and he has spent his life with people like  
18 Pellumb. He has spent more time with Pellumb  
19 than he probably has with us. I think that is  
20 why he was so upset with the reaction that  
21 Pellumb had to that incident, where he just  
22 accused Alex, and I think Alex took it very  
23 seriously and it was very hurtful.

24 But he has never done these things  
25 again. He was told not to go to Pellumb. He

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has not. He was told not to spend more time with Felix. Alex has spent more time talking with Felix than you can imagine. How you can go more than two minutes, I don't know. But he did. He doesn't do it anymore. What he has done wrong he has apologized for and he has not done again.

As I pointed out in our letter, we have never seen Alex do a violent act against a person. He has done violent acts against doors, but never against a person.

I don't know why everybody has taken such a physical reaction to him that he is a danger. He just is not. He has never been a danger to anyone under any condition.

Alex's marks at school in sports, he may participate highly and love it and get great marks, or he may be late and not particularly care for the sport. But in every single case in the five years away where he is marked for this, he is marked as excellent in sportsmanship, Alex gets along with people, he wants to get along with people, he tries very hard to get along with people. That is why he

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2 was so upset with Pellumb when he wasn't  
3 getting along with him. He really tried to  
4 make it up to him. I am lawyering, sorry,  
5 sorry.

6 In any event, I think there are some  
7 things that were wrong. I think they are being  
8 blown way out of proportion. Yes, it is  
9 annoying, but that is about it: annoying. He  
10 is not a danger in any way to this community.  
11 He is hardly here; he is off at school. And he  
12 has a summer job that goes from 8:30 to 5:30  
13 with overtime, so we don't see that much of  
14 him.

15 I think that's it. Jean?

16 MR. SOMERSTEIN: Do you have anything  
17 you want to say?

18 MS. WILHELM: I will try to say  
19 something.

20 This is a very emotional thing for  
21 me. We've lived in the building for over 20  
22 years. It was a friendlier building than it  
23 seems to be these days. We used to have the  
24 parties on the roof in June, and more active  
25 Halloween kinds of things. But things have